Regional Fishery Management Councils Workshop - October 18-20, 2004

"Governance Role of Fishery Management Councils under Regional Ecosystem Management"

by

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Good Afternoon Everyone.

Thank you for inviting me to make a presentation at the workshop this afternoon. My name is Paul Howard and I am the Executive Director of the NEFMC.

Over the last several years there have been numerous inaccurate and incomplete representations about the status of our fisheries and about fishery conservation and management in general. Authors of scientific papers and environmental articles have exaggerated problems to promote their agendas. They look backwards --- not at the present. It's sad but true that an exaggerated message of "doom and gloom" sells much better than a factual, successful management story.

As a result, the Council process will again come under fire during the next Magnuson-Stevens Act reauthorization in 2005.

This afternoon I will address 3 issues raised in the Oceans Commission Report, which will probably be considered during reauthorization of the MSA --- Regional Council membership, separating science and management and ecosystem management governance.

Council Membership

Critics often state that the Councils in general, and specifically the NEFMC, are dominated by commercial fishing interests. This is wrong. The New England Council has 18 voting members, consisting of 5 state directors and the NMFS Regional Administrator; 3 recreational, 1 environmental expert and 8 commercial fishing interests --- 8 commercial interests out of 18 is hardly dominant.

Critics also state that there is no "accountability" in the Council system. There is definitely accountability and it rests with the Secretary of Commerce. Councils are mandated to develop management plans and recommend measures to the Secretary to implement. The Secretary is then mandated to approve, disapprove or partially approve the Council's submission. The Secretary of Commerce is ultimately responsible for determining what management actions are implemented.

The authors of the original Magnuson Act in 1976 wanted a system in which those who are most affected by the policies would have a voice in decision-making. They also wanted an Act that was not just about the fish, but also about the livelihoods of fishermen and their communities.

During reauthorization there will be consideration to restrict this participatory decision-making by limiting Council membership, separating science and management, and establishing a new governance structure.

Fishermen are the people who best understand the resource from a non-science perspective and who are most affected by our actions. A strong Council process will ensure their voice continues to be part of the decision-making.

Separating Science and Management

This issue has been raised in various discussions, draft legislation, and in the report from the U.S. Commission on Ocean Policy, particularly with regard to the establishment of annual catch limits. Their recommendation appears to address a perception that in some regions, the Councils do not listen to the science. There have been times in the past where the New England Council may not have accepted the recommendations of scientists. Those days are over. We should not confuse what may have occurred in the past with today's healthy questioning of scientific recommendations.

Fisheries science is not perfect and often is associated with considerable uncertainty. Assessment results sometimes vary widely from year to year, based on current information and a re-examination of previous data. Decisions on such technical issues as annual catch limits and status determination criteria require an evaluation of risk to both the stocks and the fishery. That risk evaluation is the responsibility of managers, not agency scientists. With its varied expertise, the Council considers the scientific recommendations, discusses the level of risk associated with various alternatives, and makes a management decision.

Complicating this issue is the fact that the industry has continually felt that they have been on the outside looking in at the science. The development of scientific recommendations can appear to be the province of a closed club that produces results that conflict with the real-time, on-the-water experience of fishermen.

Separating conservation and allocation is a bureaucratic, simplistic solution. It will not work, and will only create more distrust between scientists and the industry. Rather the New England Council supports the transparent development of scientific advice as well as a process that includes fishermen and the public as

participants. Only through this collaboration can we achieve acceptance and better trust of scientific recommendations.

Without a doubt, scientific advice is critical to successful management and should be an integral part of the Council process rather than a separate aspect of the overall decision-making process. Even the determination of annual catch limits sometimes requires the Council to judge uncertain or conflicting science. This is precisely the decision-making process the Regional Councils were designed to accomplish. Approval of these decisions by the Secretary of Commerce, or disapproval where appropriate, is the final safeguard built into this process. Aside from annual catch limits, virtually all other management actions involve aspects of both conservation and allocation, which are often impossible to separate.

Ecosystem Governance

This is taken from a news article that followed the publication of a paper in the July 16 issue of *Science*:

"New Paper in Science Introduces Revolutionary New Paradigm for Fishery Management"

"Seventeen of the world's top marine scientists today unveiled a plan that seeks to avert the collapse of fish populations by focusing on managing the entire ecosystem rather than one species at a time. The new management regime, coined "Ecosystem-Based Fishery Management," is detailed in the July 16 issue of *Science* (Vol. 305, N. 5682, July 16) and is the first step toward revolutionizing the way fisheries are managed to ensure long-lasting sustainability."

The article goes on to state:
"We've been putting blinders on, but it is now clear that single-species management is inadequate, and in many cases, destructive," says Dr. Ellen Pikitch, an internationally renowned fisheries scientist and the Executive Director and Professor with the Pew Institute for Ocean Science at the University of Miami's Rosenstiel School of Marine and Atmospheric Science. Pikitch, the lead author on the paper also noted: "An ecosystem-based approach is founded on the notion that robust fisheries depend upon healthy marine ecosystems."

The authors write, "Ideally, EBFM would shift the burden of proof so that fishing would not take place unless it could be shown not to harm key components of the ecosystem." In addition, an ecosystem-focused approach would stimulate research about ecosystem processes and the likely consequences of human actions.

My response to this paper is that it is not revolutionary at all. Councils, NOAA Fisheries and the Science Centers have long been incorporating ecosystem considerations (habitat protection, managing multispecies, addressing bycatch and addressing forage and predator-prey relationships), all elements of the SFA.

These top 17 scientists state "single-species management is inadequate and in many cases destructive." Why are they totally dismissing the remarkable improvements here in New England and all around the U.S. as a result of single-species management?

The authors additionally write that "ideally fishing would not take place unless it could be shown not to harm key components of the ecosystem". The Oceans Commission called for increased funding to conduct ecosystem research --- about 3.9 billion per year. My guess is that it will take at least a decade of research to begin to understand the interactions within an ecosystem and I believe it will take another decade to develop scientific models to access and make predictions to assist managers. So if I get this right, that means that these 17 top scientists will be gainfully employed studying the ecosystem with research dollars for the next 20 years, and during that time they want fishing to be prohibited until it is proven fishing is not harming the ecosystem. Sounds to me like a very self-serving, one-sided focus.

Additionally, the Pew and the Oceans Commission reported findings on pollution were especially disturbing but in a different way. Pew reports:

- Coastal development and associated sprawl destroy and endanger coastal wetlands and estuaries that serve as nurseries for many valuable fishery species. More than 20,000 acres of these sensitive habitats disappear each year. Paved surfaces have created expressways for oil, grease, and toxic pollutants into coastal waters. Every eight months, nearly 11 million gallons of oil run off our streets and driveways into our waters, the equivalent of the *Exxon Valdez* oil spill.

- More than 60 percent of our coastal rivers and bays are moderately to severely degraded by nutrient runoff. This runoff creates harmful algal blooms and leads to the degradation or loss of seagrass and kelp beds as well as coral reefs that are important spawning and nursery grounds for fish. Each summer, nutrient pollution creates a dead zone the size of Massachusetts in the Gulf of Mexico. These types of problems occur in almost every coastal state and the trends are not favorable. If current practices continue, nitrogen inputs to U.S. coastal waters in 2030 may be as much as 30 percent higher than at present and more than twice what they were in 1960.

In my opinion, the biggest threat to the health of our marine ecosystems is the degradation of coastal habitats and near shore water quality, not overfishing. Most of our managed species spend part of the time in coastal waters. It is so critical to our offshore resources that we not ignore inshore water quality and habitat. Did you know that the Boston Big Dig project costs about 14.5 billion dollars, and if you look for them you will see PVC pipes under the new roads and bridges over Boston harbor collecting oil, grease and gasoline runoff deposited by cars and trucks and directing it right into the water untreated.

I'm afraid that despite the alarming findings in both the Oceans Commission and Pew reports about the pollution problems in the coastal zone, the focus by researchers, and most likely our elected officials, will be fishing impacts.

While there is an assertion that a shift to overarching governance bodies, such as the regional ocean ecosystem councils suggested in the Pew and Oceans Commissions reports and in recent legislation, will address the shortcomings in our process, I believe that lack of political will, bureaucratic inertia and the costs of wide-scale modifications to current systems will preclude any focus other than fisheries. For this reason, we should not endorse the wholesale changes suggested, but instead take a more logical approach.

Alternatives should include using the current structure of the regional Councils as a blueprint. In this model, EPA, Coastal Zone Management, Army Corps of Engineers, and other agencies would be integrated into the Council process to ensure a coordinated approach to resource management and a realistic and comprehensive review of all impacts. The Council system is particularly well-suited to such a format. It should not be forgotten that we have a very successful process that readily accommodates public input, and serves as recognized forum in which an array of complicated issues and competing interests are carefully considered.

Whatever system is proposed, I urge that we adopt an incremental, and not a wholesale, approach to revising our current process. Improvements may be necessary, but we ought to be cognizant of our strengths and build on them.

In closing, many scientific papers and environmental articles have exaggerated the severity of fishing problems. These exaggerations are not helpful and downright destructive. This, coupled with the fact that success stories are ignored, has left the public with the perception that all our valuable fishery resources are severely depleted and that the cause is overfishing. That is not accurate. Nevertheless, I believe there is a threatening agenda here that will remove economic considerations and remove fishermen from the fishery management equation in the next reauthorization.

This is a critical time for both fishermen and fisheries managers. Potential legislation may change Council membership, separate science and allocation and establish a new ecosystem governance structure. Ironically, this is at a time when we are experiencing remarkable successes and other countries are looking to model our fishery governance and legislation. Proposed changes to the Magnuson-Stevens Act could weaken the Council system and ultimately weaken the public's voice in decision-making.

I urge us all to pay close attention and provide input to the reauthorization of the Magnuson-Stevens Act. You can bet research scientists and environmental organizations will be doing so to promote their special interests.